

REMARKS

The Office Action of November 13, 2002 has been received and its contents carefully considered.

In this Amendment, claim 13 is canceled without prejudice or waiver. Claims 11, 12, 14 and 15 are amended, and new claim 21 is added herein. Claims 1, 10 and 11 are independent claims.

The applicants acknowledge with appreciation the Examiner's indication in the Final Office Action that claims 1-10, as previously amended, are allowed over the prior art of record.

In the Office Action, claims 11-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Haseltine et al. (U.S. Patent No. 6,578,015). The claims are amended herein to more clearly recite the claimed invention.

Claims 11-20 are directed to a second embodiment in which the claimed invention is used in a prepayment mode, as depicted in Figure 4 of the application. In this second embodiment, the sales shop 2 may be a company or provider to provide services, for example, contents distribution such as music or images (see, for example page 10, line 21, through page 11, line 4). The user may use the services by paying in advance a use fee for a predetermined use period, for example one month.

As shown in Figure 4, the shop 2 sends the user 1 before the termination date of the current period, a notice containing requested contents asking whether the user still desires the services for the next period following the current period. If the user wants to continue receiving the services in the next period, the user may prepay the use fee for that next period, for example one month, according to the requested contents in the notice. That is, the requested contents relate to a payment for the next period of use.

In the second embodiment, the user information management unit manages the period during which the system is available to the user (see, for example, the application at page 11, lines 7-8). Then, after the user terminal issues payment instructions, the settlement unit performs the payment of the use fee for the next period of use and sends a settlement completion notice to the use information management unit, which updates the period to cover the next period for which payment has been made in advance (see generally page 11, line 24 through page 12, line 12, of the application).

Moreover, when a user sends instructions for using contents distribution, the user information management unit determines whether use by that user has been authorized in advance for the period in which the instructions are received, and if the determination is in the affirmative, a contents distribution unit distributes the contents to the user (see generally page 12, lines 13-23, of the application).

In this Amendment, claim 11-15 are amended to more clearly recite the features of the second embodiment of the invention as disclosed in Figure 4 and the accompanying text of the application, and briefly summarized above. As amended, claim 11 incorporates the limitations originally in canceled claim 13. Specifically, claim 11 now recites that “the settlement unit provides the use information management unit with information indicative of completion of the settlement with respect to the one user and the use information management unit updates the authorization of the one user to use the charge collection system during a next period following the current period on the basis of the information.”

New dependent claim 21 is added to recite “a contents distributing unit for distributing contents to the one user when the determination is made by the use information management unit that the content use instructions were received during the next period for which the one user is authorized to use the charge collection system.” As noted above, this feature is disclosed in the application (see Figure 4 and page 12, lines 21-23), but has not previously been part of the claimed subject matter.

In the Office Action, the Examiner asserts that the Haseltine reference discloses all of the limitations of the invention recited in claims 11-20. However, it is respectfully submitted that there are several features of the claimed invention that are not taught or suggested by Haseltine.

For example, regarding claims 11 and 14-20, the Examiner points to Haseltine as disclosing a use information management unit which manages use information of the plurality of users and generates requested contents for each of the plurality of users as of a date prior to a date of closing of a predetermined period of time during which each respective user is to be authorized to use the charge collection system (see abstract, col. 2, lines 63-67, col. 3, lines 1-67, col. 11, lines 34-47).

As disclosed in the referenced text, the central feature of the invention in Haseltine is the bill presentment and payment database, which receives biller-originated bill data and bill

format data over a network. The inputted bill data and bill format data are then stored in a first area of the database. After the bill data and bill format data are validated, they are swapped into a second area of the database where the bills, now incorporating the validated bill data formatted according to the bill format data, are accessible to customers (abstract of Haseltine). However, contrary to the Examiner's position, it is respectfully submitted that Haseltine fails to disclose "a use information management unit which manages use information of the plurality of users and generates requested contents for respective ones of the plurality of users as of a termination date of a current period during which each respective user is authorized to use the charge collection system," as amended claim 11 requires. Rather, what Haseltine discloses is a system in which billing data is processed as received from the billers and the bills subsequently posted to the active area, where they remain available for a period of time specified by the biller (column 7, lines 15-16). It appears that in Haseltine, the timing of bill presentment is wholly under the control of the billers.

The text at Haseltine column 7, lines 34-37, cited by the Examiner in connection with claim 12, does disclose that the bill presentment and payment database includes an e-mail notification function. However, Haseltine fails to disclose "a requested contents notice unit which transmits to the respective ones of the plurality of users via the network, the corresponding requested contents ..." as the claim 11 requires. Rather, in order to access billing data in Haseltine, each customer must, in response to the initial e-mail, log-in to the website of the bill presentment and payment service, providing a user number and password for access to the customer's bills (column 9, lines 10-18).

Claim 11 further recites that the requested contents notice unit transmits to the users via the network, "the corresponding requested contents and a payment execution information including an address ... to which a paying instruction ... is to be sent" (emphasis added). No similar functionality is disclosed in Haseltine. At best, Haseltine only discloses that "the active area 430 may also include notification functionality adapted to generate and send an e-mail, for example, to the customers when new bills have been posted within the active area 430 of the bill presentment and payment database 400" (column 7, lines 34-38). Unlike the claimed invention, the user in Hasseltine must subsequently log onto the website of the database 400, or of the biller 330, to generate a payment request and make settlement of the bill (column 9, line 66 through column 10, line 5).

As noted above, claim 11 has been amended to recite that “the settlement unit provides the use information management unit with information indicative of completion of the settlement with respect to the one user and the use information management unit updates the authorization of the one user to use the charge collection system during a next period following the current period on the basis of the information.” Haseltine discloses a straightforward method for bill presentment and payment in arrears. Nothing in Haseltine teaches or suggests prepayment for requested contents and updating the authorization of a user to use the charge collection system and receive contents during a next period following the current period. Haseltine also fails to teach or suggest the functionality recited in claim 14, namely “the notice information management unit is able to receive content use instructions via the network from any one of the plurality of users, the use information management unit is able to determine, based on the information indicative of settlement completion, whether the content use instructions were received by the notice information management unit during the next period for which the one user is authorized to use the charge collection system, and the notice information management unit is further able to transmit notification to the one user via the network of the determination made by the use information management unit.” These capabilities are important in the present invention in the context of providing prepaid services, but not relevant to the invention in Haseltine, which is limited to carrying out bill presentment and payment in arrears for third party billers.

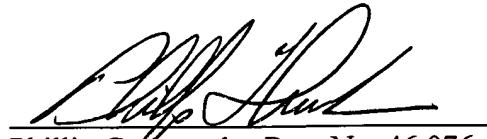
In summary, it is respectfully submitted that amended claim 11 patentably distinguishes over the applied Haseltine reference, and that claims 12 and 14-21 patentably distinguish over the applied reference for at least the reason that they depend from claim 11. The applicants also believe that the dependent claims, such as claim 14 discussed above, recite further limitations that independently distinguish over the applied prior art.

Entry of this Amendment pursuant to 37 CFR §1.116 is requested. It is respectfully submitted that the application, as now amended, is in condition for allowance, and a notice to that effect is earnestly solicited.

[Continued on next page]

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange such an interview.

Respectfully submitted,



October 27, 2004

Date

Phillip G. Avruch - Reg. No. 46,076
RABIN & BERDO, P.C.
Telephone: 202-371-8976
Telefax: 202-408-0924
CUSTOMER NO. 23995

PGA/